

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: Danielle Federoff

Case #09-35212
Chapter 13

Debtor(s)
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**AFFIRMATION OF
NON-COMPLIANCE**

Michael H. Cohn an attorney duly admitted to the practice of law before this Court hereby affirm under penalty of perjury that:

1. I am a member of Cohn & Roth, the attorneys for Movant, U.S. Bank, successor in interest to the Federal Deposit Insurance Corporation as receiver for Downey Savings and Loan Association, F.A. (hereinafter U.S. Bank), the present owner and holder of the Note and Mortgage on property of the Debtor located at 2730 Schurz Avenue, Bronx, New York 10465. I am fully familiar with the facts set forth herein.

2. This Affirmation is submitted in connection with a prior Order of this Court dated August 18, 2010, a copy of which is annexed hereto as Exhibit "A".

3. Pursuant to the aforementioned Order, the Debtor was required to pay the sum of \$15,685.76 in six (6) monthly installments of \$2,614.29 each beginning September 15, 2010 and ending February 15, 2011 which payments represented post-petition mortgage installments for the months of January 1, 2010 through August 1, 2010, along with costs and attorney fees for the motion. Debtor was also required to make regular post-petition mortgage payments beginning September 1, 2010 in the amount of \$1,966.83.

4 The debtor has failed to make post-petition mortgage payments and late charges for the months of November 1, 2010 through January 1, 2011 in the sum of \$5,900.49 and Stipulated payments for the months of November 15, 2010 through January 15, 2011 in the sum of \$7,842.87 totaling \$13,743.36, less Debtor suspense of \$1,817.21 for a sum of \$11,926.15.

5. The Debtor is in violation of the Bankruptcy Court Order by having failed to make said payments, and has failed to cure the default after fifteen (15) days written notification. A copy of the written notice sent to the Debtor is annexed hereto as Exhibit "B".

6. By reason of the foregoing the automatic stay imposed by 11 U.S.C. Section 362(a) should be terminated as to U.S. Bank upon the filing of this Affirmation. U.S. Bank should be granted leave to proceed with its foreclosure action against the premises located at 2730 Schurz Avenue, Bronx, New York 10465 and the purchaser of the premises from the Referee should be entitled to commence proceedings to obtain possession of the premises, under applicable state law. A copy the proposed Order vacating the stay is annexed hereto as Exhibit "C".

Dated: Mineola, NY
March 2, 2011

/s/Michael H. Cohn
Michael H. Cohn
Cohn & Roth
Attorneys for Creditor
U.S. Bank, N.A. successor in
interest to the Federal Deposit
Insurance Corporation as
receiver for Downey Savings
and Loan Association, F.A.
100 E. Old Country Road
Mineola, New York 11501
(516) 747-3030